

REMARKS

The Office Action of June 30, 2005 has been received and the Examiner's comments carefully considered. Applicant notes that claims 21-45 are pending in this application, and these claims stand rejected in view of the Keohane patent.

In Paragraph 8 of the Office Action, the Examiner requests that a fully compliant response be submitted providing a chart showing where the disclosure provides a constructive reduction to practice within the scope of the interfering subject matter, pursuant to 37 C.F.R. § 41.202(a)(6). In addition, the undersigned would also like to thank the Examiner for his continued guidance and cooperation in invoking the requested interference. Further, the Examiner has indicated that upon receiving the above-noted Response, the prosecution of the instant application would be suspended in order to invoke the interference.

In response to the Examiner's request, please find a chart for all claims upon which Applicant wishes to have an interference declared. In addition, this chart provides support and constructive reduction to practice for each and every claim, and this support has been located in the originally-filed specification of the provisional application underlying the present application. Accordingly, this chart shows where the disclosure provides a constructive reduction to practice within the scope of the interfering subject matter.

Present Claim of 09/775,083	Location In Originally-Filed Specification:
<p>21. A fuel dispensing system comprising:</p> <p>a fuel dispenser including a customer interface for conducting a transaction including a lottery ticket purchase, a payment acceptor for receiving a payment for the transaction, and a lottery ticket dispenser for dispensing lottery tickets; and</p>	<p>page 4, lines 9-17</p>
<p>a control system operatively associated with said fuel dispenser and adapted to cause said lottery ticket dispenser in said fuel dispenser to dispense a lottery ticket to a customer in response to receiving the payment for the transaction through said payment acceptor in said fuel dispenser.</p>	<p>page 4, line 18 to page 5, line 12</p>
<p>22. The fuel dispensing system of claim 21 wherein said payment acceptor comprises a card reader for reading payment information from a customer payment card.</p>	<p>page 4, line 9 to page 5, line 21</p>
<p>23. The fuel dispensing system of claim 22 wherein the customer payment card is a credit card and said control system is further adapted to communicate with an outside credit authorization network to receive credit authorization for the transaction.</p>	<p>page 5, line 23 to page 7, line 5</p>
<p>24. The fuel dispensing system of claim 21 wherein said payment acceptor comprises a cash acceptor for receiving a cash payment from the customer.</p>	<p>page 6, line 7 to page 7, line 5</p>
<p>25. The fuel dispensing system of claim 21 wherein said control system is further adapted to communicate the transaction information related to the purchase of the lottery ticket to a lottery controller.</p>	<p>page 5, line 22 to page 6, line 6 page 8, lines 5-18</p>
<p>26. The fuel dispensing system of claim 21 wherein said lottery ticket dispenser in said fuel dispenser is adapted to dispense a plurality of lottery ticket types, such as a multiple-draw ticket type.</p>	<p>page 7, line 6 to page 8, line 19</p>

27. The fuel dispensing system of claim 21 wherein said lottery ticket dispenser is adapted to dispense a lottery ticket having customer-selected play numbers and said customer interface in said fuel dispenser is adapted to allow a customer to input said customer-selected play numbers.	page 7, line 6 to page 9, line 25
28. The fuel dispensing system of claim 21 wherein said lottery ticket dispenser in said fuel dispenser is adapted to dispense a preprinted lottery ticket.	page 7, lines 22-25
29. The fuel dispensing system of claim 21 wherein said lottery ticket dispenser in said fuel dispenser is adapted to dispense a random-number lottery ticket type.	page 8, line 19 to page 9, line 9
30. A fuel dispensing system comprising: a fuel dispenser including a customer interface for conducting a transaction including a lottery ticket purchase and a payment acceptor for receiving a payment for the transaction;	page 4, line 9 to page 6, line 6
a lottery ticket dispenser associated with said fuel dispenser for dispensing lottery tickets;	page 4, line 9 to page 6, line 6
a control system operatively associated with said fuel dispenser and said lottery ticket dispenser and adapted to cause said lottery ticket dispenser to dispense a lottery ticket to a customer in response to receiving the payment for the transaction through said payment acceptor in said fuel dispenser.	page 4, line 9 to page 6, line 6
31. A method of selling lottery tickets at a fuel dispenser in conjunction with a fueling transaction comprising: prompting a customer to conduct a lottery ticket purchase in conjunction with the fueling transactions;	page 7, lines 6-15
receiving input from the customer regarding the lottery ticket purchase;	page 7, lines 15-17
conducting the fueling transaction;	page 7, lines 6-9

effecting payment at said fuel dispenser for a cost associated with the lottery ticket purchase and a cost associated with the fueling transaction; and	page 6, line 7 to page 9, line 25
dispensing a lottery ticket to the customer corresponding to the lottery ticket purchase.	page 8, lines 5-18
32. The method of claim 31 wherein said fuel dispenser is adapted to perform said dispensing step.	page 6, line 19 to page 7, line 5
33. The method of claim 32 wherein a separate lottery ticket dispenser is adapted to perform said dispensing step.	page 4, lines 8-17
34. The method of claim 33 wherein said fuel dispenser includes a customer interface supporting the input of information by the customer in said receiving step.	page 4, lines 9-17 to page 5, lines 5-18
35. The method of claim 34 wherein said customer interface supports selection of multiple lottery ticket types, including preprinted number, random number, and customer-selected number lottery ticket types.	page 6, line 6 to page 9, line 25
36. The method of claim 35 wherein said customer interface of said fuel dispenser is adapted to permit the customer to enter a desired set of play numbers in association with the purchase of a customer-selected number lottery ticket.	page 7, line 6 to page 9, line 25
37. A fuel dispensing system comprising: A fuel dispenser including, e) a customer interface for conducting a transaction, the transaction including a lottery ticket purchase;	page 4, line 9 to page 5, line 21
f) a payment acceptor for receiving a payment for the transaction;	page 4, lines 9-17
g) a lottery ticket dispenser for dispensing lottery tickets; and	page 4, lines 9-17
h) a control system; said control system adapted to cause said lottery ticket dispenser to dispense a lottery ticket to a customer in response to receiving the payment for the transaction through said payment acceptor in said fuel dispenser.	page 4, line 18 to page 9, line 25

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Applicant submits that the chart provided to the Examiner fully complies with 37 C.F.R. § 41.202(a)(6), and further demonstrates in the originally-filed disclosure a constructive reduction to practice for the subject matter of each claim within the scope of the interfering subject matter. Accordingly, prosecution of the present application should be suspended, and an interference invoked. If the Examiner requires any further documentation or information from the undersigned, please contact the undersigned at your convenience.

A Declaration of Interference for claims 21-37 of the present application with respect to claims 1-4, 6, 7, 9-12, 31-33, 35-37 and 39 of the Keohane patent is respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By  _____

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